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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91206667
Party	Defendant Printegrity Incorporated
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Date	10/01/2012
Attachments	121001 Answer.pdf (4 pages)(26402 bytes)

**In the United States Patent and Trademark Office
Before the Trademark Trial and Appeal Board**

In the Matter of:	§	
Application Serial No. 85515663	§	
	§	
Crabar/GBF, Inc.,	§	Opposition No 91206667
Opposer	§	
v.	§	
Printegrity Incorporated,	§	
Applicant	§	

ANSWER TO NOTICE OF OPPOSITION

Applicant Printegrity Incorporated (“Printegrity” or “Applicant”), owner of Federal Trademark Application Serial No. 85515663 for the mark PRINTEGRITY (“Applicant’s Mark”) files this Answer to the Notice of Opposition filed on August 22, 2012 by Crabar/GBF, Inc. (“Crabar” or “Opposer”), and assigned Opposition No. 91206667.

1. Applicant denies that portion of the introductory paragraph of the Notice of Opposition, wherein Opposer claims that it “will be damaged by registration of the mark.”

2. Applicant admits the allegations contained in paragraph 1 of the Notice of Opposition.

3. Applicant lacks sufficient knowledge or information to form a belief about the truth of the allegations contained in paragraph 2 of the Notice of Opposition. Since Applicant can neither admit nor deny the paragraph as written, Applicant must deny.

4. Applicant lacks sufficient knowledge or information to form a belief about the truth of the allegations contained in paragraph 3 of the Notice of Opposition. Since Applicant can neither admit nor deny the paragraph as written, Applicant must deny.

5. Applicant denies the allegations contained in paragraph 4 of the Notice of Opposition. Applicant specifically denies that the Application is made as an “intent to use”. Applicant’s Mark has been used by Applicant since November of 2001, as noted in the Application. In fact, Applicant’s Mark was used by Applicant prior to Opposer’s use of its mark.

6. Applicant denies the allegations contained in paragraph 5 of the Notice of Opposition.

7. Applicant denies the allegations contained in paragraph 6 of the Notice of Opposition. Applicant is unaware of Opposer's use of the "COLORWORX" mark, or that the "COLORWORX" mark has any bearing on these proceedings.

8. Applicant denies the allegations contained in paragraph 7 of the Notice of Opposition.

9. Applicant denies the allegations contained in paragraph 8 of the Notice of Opposition. The difference between the terms "Printegrity" and "Printegra" is obvious.

10. Applicant denies the allegations contained in paragraph 9 of the Notice of Opposition.

11. Applicant denies the allegations contained in paragraph 10 of the Notice of Opposition.

12. Applicant denies the allegations contained in paragraph 11 of the Notice of Opposition.

Furthermore, Applicant sets forth the following in support of its position:

13. Applicant's Mark is unique and distinctive.

14. The wording in Applicant's Mark and Opposer's mark ("Printegra") are different.

15. Applicant's Mark and Opposer's mark are different in appearance.

16. Applicant's Mark and Opposer's mark are different in spelling.

17. Applicant's Mark and Opposer's mark are different in pronunciation.

18. Applicant's Mark and Opposer's mark create different commercial impressions.

19. Applicant's Mark contains the term "integrity" - which is not present in Opposer's mark.

20. Applicant's Mark and Opposer's mark are not likely to cause confusion, mistake, or deception to purchasers as to the source of Opposer's goods or services.

21. Applicant's Mark and Opposer's mark are not likely to cause, disparage, or falsely suggest a trade connection between Opposer and Applicant.

22. Applicant's Mark is virtually identical to the existing mark "PR!NTEGRITY" which was registered in 2008. The owner of the mark "PR!NTEGRITY" has specifically consented to the registration of Applicant's Mark. Opposer failed to oppose the registration of "PR!NTEGRITY" in 2007. As that registration was approved, and five years of use of that mark have elapsed, Opposer is estopped, and cannot now oppose this registration of Applicant's Mark.

23. Applicant hereby appoints Simon H. Hughes, a member of the Bar of the State of Texas, to act as its attorney in the matter of the opposition identified above, and to transact all business in the Patent and Trademark Office, and in the United States Courts connected with the opposition, to sign its name to all papers which are filed in these proceedings, and to receive all communications relating to these proceedings.

24. Applicant prays that the Trademark Trial and Appeal Board deny the Opposition and permit registration of Applicant's Mark in Application Serial No. 85515663 in the United States Patent and Trademark Office.

Dated: 1 October 2012

Respectfully submitted,
PRINTEGRITY INCORPORATED.

By: /s/ Simon H. Hughes.
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Certificate of Transmission

On October 1, 2012, a true and correct copy of this pleading was electronically transmitted via the Electronic System for Trademark Trials and Appeals (“ESTTA”) at <http://estta.uspto.gov>.

/s/ Simon H. Hughes.
Simon H. Hughes

Certificate of Service

On October 1, 2012, a true and correct copy of this pleading was sent via fax, mail, or hand delivery to all counsel of record.

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/s/ Simon H. Hughes.
Simon H. Hughes